

REMARKS

By virtue of this amendment, claims 46-76, 96 and 132 are cancelled, claims 77, 79, 83, 105, 113, 117, 121, 135 and 136 are amended, and claims 137-155 are new claims. No new matter is believed to have been introduced by the amendments. Amendment or cancellation of certain claims is not to be construed as a dedication to the public of any subject matter of the claims as previously presented. Applicants expressly reserve the right to pursue any unclaimed subject matter in one or more continuation or divisional applications.

Amendment to the specification on page 1 updates the information regarding federally sponsored research and as such does not constitute new matter. Support for the new and amended claims may be found throughout the specification and in particular on page 4, page 5, page 21, and page 22.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendments. The attached page is captioned "**Version with markings to show changes made**".

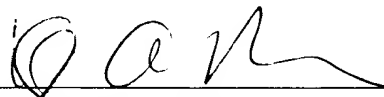
CONCLUSION

Applicants have, by way of the amendments and remarks presented herein, made a sincere effort to overcome the rejections and address all issues that were raised in the outstanding Office Action. Accordingly, reconsideration and allowance of the pending claims are respectfully requested. If it is determined that a telephone conversation would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below or Madeline Johnston at (650) 813-5840.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 226272002201. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Specification:

Insertion paragraphs for page 1 prior to the heading "Field of the Invention":

--STATEMENT OF RIGHTS TO INVENTIONS MADE UNDER FEDERALLY
SPONSORED RESEARCH

This invention was made with Government support under Grant No. DK44935,
awarded by the National Institutes of Health. The Government has certain rights in this
invention.--

In the Claims:

Please cancel claims 46-76, 96 and 132.

Please replace claims 77, 79, 83, 105, 113, 117, 121, 135 and 136 with the following
amended claims.

Claims 137-155 are new claims.

--77. (Amended) A nucleic acid/lipid/polycationic polypeptide salt complex
comprising a nucleic acid, at least one lipid species, and at least one polycationic polypeptide
salt, wherein the complex further comprises a targeting factor directed to a cell surface
molecule.

79. (Amended) The complex of claim 77, wherein the [complex has a net neutral
or net negative charge] surface of the complex is positively charged.

83. (Amended) The complex of claim 81, wherein the [complex has a net neutral
or net negative charge] surface of the complex is positively charged.

105. (Amended) The method of claim 104, wherein the cells are contacted with the complex *in vivo*, the method comprising administering the complex to an [animal or human] individual in an amount effective to deliver the nucleic acid into the cells of the individual[animal or the human].

113. (Amended) A method of [administering] delivering a nucleic acid to [a human or animal] an individual, the method comprising administering to the [human or animal] individual a nucleic acid/lipid/polycationic polypeptide salt complex comprising a nucleic acid, at least one lipid species, and at least one polycationic polypeptide salt, wherein the complex is administered intratumorally, intravenously, intratracheally, intraperitoneally or intramuscularly.

117. (Amended) The method of claim 113, wherein the [complex has a net neutral or net negative charge] surface of the complex is positively charged.

121. (Amended) The method of claim 119, wherein the [complex has a net neutral or net negative charge] surface of the complex is positively charged.

135. (Amended) The method of claim 113, comprising administering the complex to an individual [animal or human] in an amount effective to deliver the nucleic acid into cells of the individual [animal or the human].

136. (Amended). The method of claim 113, wherein the complex further comprises a targeting factor directed to a cell surface molecule--